Response to Comments
Modifications to Attachments 4 & 9 of Hanford’s Dangerous Waste Permit

September 15 through November 13, 2014

Summary of a public comment period and responses to comments

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September 15 through November 13, 2014

Nuclear Waste Program
Washington State Department of Ecology
Richland, Washington
Response to Comments
Modifications to Attachment 4 & 9 of Hanford’s Dangerous Waste Permit

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Introduction

The Washington State Department of Ecology’s Nuclear Waste Program (Ecology) manages dangerous waste within the state by writing permits to regulate its treatment, storage, and disposal. When a new permit or a significant modification to an existing permit is proposed, Ecology holds a public comment period to allow the public to review the change and provide formal feedback. (See Washington Administrative Code [WAC] 173-303-830 for types of permit changes.)

This Response to Comments is being issued to address public comments received during the comment period held September 15 through November 13, 2014. The public comment period was held for a draft permit modification submitted by the Permittees. Ecology and the Permittees have been working to resolve issues with the permit modification since then.

The purpose of this Response to Comments document is to:

1. Describe and document public involvement actions.
2. List and respond to all significant comments received during the public comment period.

This Response to Comments is prepared for:

Comment period: Modifications to Attachments 4 & 9 of Hanford’s Dangerous Waste Permit, September 15 – November 13, 2014


Original issuance date: September 27, 1994

To see more information related to the Hanford Site and nuclear waste in Washington, please visit our website: https://www.ecology.wa.gov/Hanford.

Reasons for issuing the permit

The Permittees formally submitted this permit modification as required to satisfy Agreed Order DE 10156, Exhibit A, “Required Actions Under Chapter 173-303-WAC,” item 1.1.2.

The Agreed Order resulted from the settlement of enforcement action at Hanford’s Central Waste Complex (CWC) and the Waste Receiving and Processing (WRAP) Facility. The order specified that the actions taken at CWC and WRAP must also be implemented at T Plant.

Required Action 1.1.2 listed two changes to be made:

1. Change the Permit Applicability Matrix (Permit Attachment 9) to make the “Facility Contingency Plan” applicable to Interim Status treatment, storage, and disposal (TSD) units.
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The changes to the Permit Applicability Matrix will make emergency preparedness and response requirements apply to those interim status units.

2. Change Appendix A of DOE/RL-94-02, Hanford Emergency Management Plan (Permit Attachment 4) to include a description of how each requirement of WAC 173-303-340, -350, -355, and -360 are met for TSD units operating to Interim Status Standards.

The changes the Hanford Emergency Management Plan help define how the plan meets requirements in dangerous waste regulations at those interim status units for:

- Preparedness and preparation
- Contingency plans
- Emergency procedures
- Emergencies
- Coordinating with local emergency planning committees established under Superfund.

This permit change request was a “Class 2 modification” as described in WAC 173-303-830, Appendix A.

Public involvement actions

Ecology and the Permittees encouraged public comment on the Class 2 permit modification on Attachment 4 and 9 of Hanford’s Dangerous Waste Permit. The permittees held a 60-day public comment period that ran from September 15 through November 13, 2014. Ecology provided a redline-strikeout version of the proposed modification on our website during the public comment period.

The Permittees took the following actions to notify the public:

- Emailed advance notice of the comment period to the Hanford-Info email list.
- Mailed a notice announcing the comment period to the 1,924 interested members of the public on the postal list.
- Featured the comment period on their website.
- Placed an advertisement in the *Tri-City Herald* on September 15, 2014.
- Sent a notice announcing the start of the comment period to the Hanford-Info email list, which then had about 1,432 subscribers.

The Permittees held a public meeting on October 8, 2014, at 6:00 p.m. at the Richland Public Library. One employee of the Yakama Nation attended, and no public comments were received at the meeting.
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The Hanford information repositories located in Richland, Spokane, and Seattle, Washington, and Portland, Oregon, received the following documents for public review:

- Comment period summary
- Transmittal letter
- Attachment 4 – Hanford Emergency Management Plan
- Addendum 9 – Permit Applicability Matrix.

The following public notices for this comment period are in Appendix A of this document:

1. Comment period summary
2. Advertisement in the Tri-City Herald (printed and online)
3. Advance email notice sent to the Hanford-Info email list
4. Comment period start announcement sent to the Hanford-Info email list
List of Commenters

The table below lists the names of organizations or individuals who submitted a comment on the Modification to Attachment 4 and 9 of Hanford’s Dangerous Waste Permit. The comments and responses are in Attachment 1.

<table>
<thead>
<tr>
<th>Commenter</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gerry Pollet</td>
<td>Heart of America Northwest</td>
</tr>
<tr>
<td>Martha Comfort</td>
<td>Citizen</td>
</tr>
</tbody>
</table>
Attachment 1: Comments and responses

Description of comments
Ecology accepted comments from September 15 through November 13, 2014. This section provides a summary of comments received during the public comment period and our responses, as required by RCW 34.05.325(6)(a)(iii). Comments are grouped by individual and each comment is addressed separately.
Comment #1: Heart of America Northwest

The email below and fact sheet for the proposed modification of the Hanford RCRA permit emergency response and other provisions fail to:

1. Disclose what the proposals would do, and why the public may be concerned – this includes how or if the proposal responds to concerns of the public submitted in response to proposed Rev 9 of the permit;
2. Provide a link to the proposals;
3. Provide a link to the RCRA permit modification fact sheets which presumably accompany a permit modification request;
4. Disclose how, or if, Ecology has considered the environmental and health impacts from the proposal(s), alternatives which may better protect such values; and, any SEPA determination;
5. Discuss how, or if, the proposed modifications respond to the concerns and comments submitted for relevant units in response to the withdrawn or delayed Rev 9 modifications and the proposals for Central Waste Complex and LLBG units (comment period which ended in January, 2014, for which there has not yet been a response to comments).

Notice is defined as the information which would enable someone interested in a subject to know how a proposal might impact their interests and enable them to comment. This fact sheet does not provide such notice.

Just 10 days ago, Ecology met with the HAB Public Involvement Committee. This would have been the right time to discuss the adequacy of the proposed notice and timing of the hearing. However, you did not discuss this notice and comment period. If you had, we would have provided invaluable advice about the notice being inadequate.

We urge that a new, meaningful notice, be developed; and, that the hearing be postponed to provide 30 days for the public to review the proposal after distribution of meaningful notice materials with the comment period extended accordingly.

It should not surprise you, given our extensive comments on the inadequacies of emergency response and preparation plans for units in Rev 9 and the Central Waste Complex that we have serious concerns and would want to determine if the public should be fully engaged in this set of permit modifications.

Are you going to consider the relevant comments submitted on Rev 9 and for the CWC, WRAP and LLBG units, many of which directly relate to the topic of this proposed modification as the scope appears from the skimpy information provided? We urge you to take those comments into the official record, rather than require the public to resubmit them.

Indeed, we are concerned that this appears to be a piecemealing of the proposed revisions to rev 9, without ever having responded to comments or undertaking a Class 3 revision with full public review of the broken out elements.
We have previously objected to the claim that these units are in “interim status” as presented by this fact sheet and notice. They may be unpermitted facilities, and Ecology may have rules for illegally operated facilities which are not in a permit. However, it is not appropriate to refer to units as in “interim status” under RCRA or HWMA. Interim status, as a legal status, expired long ago for all units nation-wide pursuant to RCRA. Indeed, it was never available for units build and opened without a permit years after RCRA and HWMA were in effect, as has occurred at Hanford for numerous units which appear to be the subject of this modification. All materials should make this very clear.

Below is an excerpt from our comments (October, 2012) on the proposed modifications to the RCRA permit relative to the claim that any units have “interim status.” Ecology has never responded to these comments and similar ones submitted in January, 2014 (re CWC, WRAP, LLBGs and MW disposal trenches). Please incorporate all relevant comments from these prior proposals and respond to them, rather than making the public resubmit comments repeatedly on similar proposals for the same or related units.

Please include this email in the official record for this proposal, and respond to it, in addition to responding to our immediate requests.

Ecology Response Comment #1:

We are sorry to hear that the public notice and the fact sheet developed by USDOE to support their Class 2 Permit Modification did not provide adequate information to help support your review of the modification. A fact sheet is required for all draft permits under WAC 173-303-840(2)(e). Pursuant to WAC 173-303-840(2)(a), a draft permit is a document prepared by the department, meaning the Department of Ecology. USDOE is not required to prepare a fact sheet or statement of basis under WAC regulations. Ecology was not consulted on the development of either of the documents.

At the time of the HAB Public Involvement Committee meeting that you mentioned in your comment, Ecology was unaware that the permittees planned to submit the Class 2 Permit Modification and initiate a public comment period.

This permit modification was focused on revisions to the Hanford Emergency Management Plan (DOE-RL\94-02) and the overall compliance with the requirements for Preparedness and Prevention, Contingency Plan and Emergency Procedures, and Emergencies found in WAC 173-303-340, 350 and 360 respectively. The Permittees were required by agreement between Ecology and USDOE in settlement of compliance actions (Agreed Order DE 10156, Exhibit A, “Required Actions under Chapter 173-303-WAC,” item 1.1.2) to submit a permit modification.

Required Action 1.1.2 listed two changes to be made, including: 1) modify Permit Attachment 9, “Permit Applicability Matrix” to make the “Facility Contingency Plan” applicable to Interim Status treatment, storage, and disposal (TSD) units; and 2) update Permit Attachment 4, “Appendix A, DOE/RL-94-02, “Hanford Emergency Management Plan” to include a description of how each requirement of WAC 173-303-340, -350, -355, and -360 are met for TSD units operating to Interim Status Standards.
The individual unit groups that are currently operating under Interim Status Standards at the Hanford Site are all actively being reviewed and modified for incorporation into the Hanford Site-Wide Permit. All of the Solid Waste Operations Complex (SWOC) Operating Units are required to be incorporated into the Rev. 8C permit by the Ecology Agreed Order and Stipulated Penalty, No. DE 10156. These SWOC Operating Units include CWC/WRAP, LLBG Trenches 31/34/94, and T Plant. All other Units that are Operating to the Interim Status Standards will be either incorporated in the Hanford Site-Wide Permit Rev 8C or Rev 9 Permit Renewal. All previous public comments received on the Rev 9 Permit Renewal will be responded to as individual Operating or Closing Unit Groups are brought into the Hanford Site-Wide Permit.

Comment #2: Margaret Comfort

This site should be available in the email that you send out to request comments. The ease with which people can reply is not well designed. Access to the information that one is to reply to is also not easy to access. My replies have apparently gone to the incorrect site. Twice I have responded, and yet I get a request from you to respond. Not impressive the route required to "reply".

My concerns are that there is cursory information in the literature with no studies cited which show research has been done to assure that the liners proposed are able to safely contain the toxins. Supply the research. Explain what toxins will be contained, exactly and how the safety of the containment has been determined. Be more specific and include the information needed to know what the lining is capable of containing.

Where is the information about seismic capability for this earthquake prone area? Why is this not included in the information with regard to a permit?

Do not allow any other "new" hazardous waste from being sent to this site. This site has been hazardous since I was born, a lifetime. People have been trying to hold the government accountable for this waste since I was in my twenties. Get the job done right once and for all. We should not be exposed to "friendly fire" in a land our fathers fought to defend and make safe for us. Frustration is toxic.

Ecology Response Comment #2

We are sorry to hear that you have had trouble providing comments and receiving responses to comments in the past. Ecology has recently implemented the eComments system to hopefully eliminate this problem.

This Class 2 Permit Modification was focused on revisions to the Hanford Emergency Management Plan (DOE-RL/94-02) and associated documents and the Permittees overall compliance with the requirements for Preparedness and Prevention, Contingency Plan and Emergency Procedures, and Emergencies found in WAC 173-303-340, 350 and 360 respectively. This Permit Modification did not contain any information that would support the selection of liners, or that allow for any new hazardous waste as referred to in the comment.
Appendix A: Copies of all public notices

Public notices for this comment period:

- Public notice (focus sheet)
- Classified advertisement in the *Tri-City Herald*
- Notices sent to the Hanford-Info email list
Public Comment Period on Proposed Updates to Permit for Hanford Dangerous Waste Management Units

The U.S. Department of Energy Richland Operations Office (DOE-RL) is holding a 60-day comment period on proposed Class 2 modifications to Attachments 4 and 9 of the Hanford Facility Dangerous Waste Permit. These changes clarify emergency preparedness and response requirements. We want your input!

Background

The proposed Class 2 modifications update information in the Hanford Emergency Management Plan (Attachment 4) and the Permit Applicability Matrix (Attachment 9). The proposed changes address requirements applicable to interim status TSD units. The term “interim status TSD units” refers to facilities that have not yet received a permit, but must comply with Washington Administrative Code, Chapter 173-303, Section 400, self-implementing standards to treat, store, or dispose (TSD) of dangerous waste.

Hanford Emergency Management Plan: This document provides an overview of the Hanford Site emergency management program. Appendix A of this document provides a table showing how emergency preparedness and response requirements are met. The proposed modification adds language to the table explaining how emergency preparedness and response requirements are met for interim status TSD units.

Permit Applicability Matrix: Numerous waste management locations exist at the Hanford Site. The Applicability Matrix divides the locations into various categories. For each category, the matrix specifies if permit requirements apply. The proposed modification revises the matrix to indicate that emergency preparedness and response requirements apply to interim status TSD units.

For information The permittee’s compliance history during the life of the permit being modified is available from the department of ecology contact person, Suzanne Dahl, Washington State Department of Ecology, at (800) 321-2008, or email Hanford@ecy.wa.gov. Copies of the proposed permit modification and supporting documentation are available at the Administrative Record, 2440 Stevens Drive, Richland, WA.
How you can become involved

A 60-day public comment period on proposed Class 2 modifications to Attachments 4 and 9 of Hanford’s Dangerous Waste Permit will run September 15 through November 13, 2014. A public meeting will be held October 8, 2014 at 6 p.m., at the Richland Public Library, 955 Northgate Dr., Richland, WA 99352. Please submit comments by November 13, 2014 to:

Suzanne Dahl
Washington State Department of Ecology
3100 Port of Benton Boulevard
Richland, WA 99354
Email: Hanford@ecy.wa.gov

The documents are available for review at the Public Information Repositories listed below.

Portland State University
Government Information
Brannford Price Millar Library
1873 SW Park Avenue
Portland, OR 97207-1151
Attn: Claudia Weston
(503) 725-4642
Map: http://www.pdx.edu/map.html

University of Washington
Suzzallo Library
Government Publications Dept.
Box 352900
Seattle, WA 98195-2900
Attn: Cass Hartnett
(206) 7685-3130
Map: http://linvurl.com/mbjbi

US. Department of Energy
Public Reading Room
Washington State University, Tri Cities
Consolidated Information Ctr.,
Rm. 101-L
2770 University Drive
Richland, WA 99352
Attn: Janice Scarano (509) 372-7443
Map: http://www.tricity.wsu.edu/campusmaps/campusmap.pdf

Gonzaga University
Foley Center Library
East 502 Boone Avenue
Spokane, WA
Attn: John Spencer
(509) 313-6110
Map: http://linvurl.com/2c6bpm

Administrative Record and Public Information Repository:

Address: 2440 Stevens Center Place, Room 1101, Richland, WA.
Phone: 509-376-2530  Web site: www2.hanford.gov/arpir/
Classified Legals

To Petitioners:

Per Section 173-303, Chapter 40, Washington Administrative Code, self-implementing standards to treat, store, or dispose of dangerous waste.

The comment period will run from Sept. 15 through Nov. 13, 2014. A public meeting will be held Oct. 8, 2014 at 6:00 p.m. at the Richland Public Library, 905 Northgate Dr., Richland. During the comment period, the draft permit modification is available for public review at the Washington Department of Ecology, Richland office at 3100 Port of Benton Boulevard, Richland, or within seven days of the start of the comment period at the Administrative Record, 2445 Stevens Drive, Richland.

The permittee's compliance history during the life of the permit being modified is available from the Ecology contact person, Suzanne Dahl. Comments should be sent to Ecology, c/o Suzanne Dahl, 3100 Port of Benton Boulevard, Richland, WA 99354 or Hanford@ecy.wa.gov.

For more information, contact Kristen Skepeck of U.S. Department of Energy, (509) 376-5803, or Suzanne Dahl.
The U.S. Department of Energy Richland Operations Office (DOE-RL) will hold a 60-day comment period on proposed Class 2 modifications to Attachments 4 and 9 of the Hanford Facility Resource Conservation and Recovery Act Permit, Dangerous Waste Portion, for the Treatment, Storage and Disposal (TSD) of Dangerous Waste, Permit Number WA7890008967, Revision 8C.

The comment period, which runs September 15 through November 13, is on proposed modifications to the Hanford Facility Dangerous Waste Permit. These revisions, known as Class 2 modifications, involve the updating of information in the Hanford Emergency Management Plan (Attachment 4) and the Permit Applicability Matrix (Attachment 9). The proposed changes address requirements applicable to interim status TSD units. The term “interim status TSD units” refers to facilities that have not yet received a permit, but must comply with Washington Administrative Code, Chapter 173-303, Section 400, self-implementing standards to treat, store, or dispose of dangerous waste.

Class 2 modifications apply to periodic updates to the permit, such as response to new regulations, technological advancements, and variations in waste types/quantities. All Class 2 Hanford permit changes require approval from the Washington State Department of Ecology and a public meeting.

A public meeting about these modifications is planned for 6 p.m., Oct. 8, 2014, at the Richland Public Library, 955 Northgate Dr., Richland, WA, 99352.
U.S. Department of Energy sends the following notice....

Public Comment Requested on proposed updates to permit for Hanford Dangerous Waste Management Units

The public is invited to comment on proposed Class 2 modifications to Attachments 4 and 9 of the Hanford Facility Dangerous Waste Permit to clarify emergency preparedness and response requirements. The modifications will update information in the Hanford Emergency Management Plan (Attachment 4) and the Permit Applicability Matrix (Attachment 9). The proposed changes address requirements applicable to interim status Treatment, Storage and Disposal (TSD) units, which refer to facilities that have not yet received a permit but must comply with Washington Administrative Code, Chapter 173-303, Section 400, self-implementing standards to treat, store, or dispose of dangerous waste.

The comment period will run from Sept. 15 through Nov. 13, 2014. A public meeting will be